

Look for everyday solidarity

International law in pandemic times

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The absent global leadership and starkly uncoordinated cross-border responses have exacerbated the spread of the coronavirus. On a positive note, countries are progressively joining forces to address immediate humanitarian appeals. They are engaging with diverse partners and experimenting on novel funding approaches through various forums, including the [Coronavirus Global Response](#) and the [Coalition for Epidemic Preparedness Innovations](#). These partnerships are bringing light to the spirit of solidarity. We want to highlight its existence and expression in our mundane encounters and its significance to international law.

In spite of COVID-19 leaving no country or individual unaffected, we have witnessed a move towards populism in the reaction of many countries, which is “[The Other Problematic Outbreak](#).” [Travel restrictions](#) were imposed without scientific evidence. [Competition](#) is rising for essential medical equipment and basic food supplies. Alas, suspension of support and assigning blame to multilateral institutions, most prominently the WHO, during the pandemic are doing nothing but delaying the global response. These actions have run counter to international solidarity and cooperation, which we argue are the foundational principles of the international legal order that concern our everyday life.

Why solidarity and what is it about?

Solidarity is indispensable for saving us from this pandemic. At a time when the vast majority of the world’s population have been overwhelmed by fear and uncertainty exacerbated by misinformation, distrust, and conspiracy theories, we need to “[look for the helpers](#)” and amplify and celebrate voices and acts of [kindness and compassion](#). Laurence Boisson de Chazournes describes solidarity as a form of help that some actors provide to others in the fulfillment of a goal or to recover from a critical situation ([Solidarity: A Structural Principle of International Law](#), 94). Solidarity in our everyday life during this crisis is: residents in Montreal [creating mutual aid groups](#) to support frontline healthcare workers and the elderly and the people with disabilities; American and Chinese scientists and doctors [meeting virtually and sharing](#) the best practices for treating patients; or powerful words to [call out the racialization of diseases](#) and [standing up for](#) those who are experiencing [discrimination](#).

Solidarity also presents itself in “a shared value system at the level of a given community.” ([Solidarity](#), 94-95) Geographic proximity, together with shared traditions and a sense of community belonging, increases chances of similar perceptions for threats and creating a common value forum ([Solidarity](#), 195). This focus on shared values becomes more significant given that populist rhetoric often tries to find a scapegoat to vilify. Often, such scapegoat tends to be one with foreign customs and appearance. A vivid example of this geographic proximity versus heterogeneity, is the common practice of wearing face masks (also seen as [a collective responsibility](#)) against disease transmission in many Asian countries, to which the West was holding a very contrasting view until recently. As [Christos Lynteris](#) nicely puts it, “In the West, the image of Asian people with masks is sometimes wielded, deliberately or not, as a signifier of otherness. But in East Asia, the act of wearing a mask is a

gesture that communicates solidarity during an epidemic—a time when a community is vulnerable to being divided by fear, between the healthy and the sick.” As a result of the absence of a shared and multifaceted understanding towards mask-wearing, many Asians living in the West have for quite a while been afraid of going outside with masks because of their racialized and stigmatized implications that could cause [public shaming and hateful attacks](#).

Solidarity and the duty to cooperate in international law

Solidarity not only takes place on a daily basis and reflects community interests and responsibilities but has also attracted debates on its status under international law. Legal scholars argue that international solidarity creates a strong moral and legal basis for enriching and advancing the existing state-centric cooperative mechanisms. A duty of solidarity can be agreed upon by States through bilateral or multilateral agreements or under the purview of international organizations ([Ki-Gab Park](#), 145-46). The Independent Expert on Human Rights and International Solidarity has persuasively reminded us that:

International solidarity and international cooperation are based on the foundation of shared responsibility. In the broadest sense, solidarity is a communion of responsibilities and interest between individuals, groups and States, connected by the ideal of fraternity and the notion of cooperation. The relationship between international solidarity and international cooperation is an integral one, with international cooperation as a core vehicle by which collective goals and the union of interests are achieved ([A/HRC/9/10](#), para. 6).

The UN is intended to solve international problems through cooperation and assures it as the premise of the international legal order (The UN Charter, arts. 1.3, 11, 13, 55, 56). At its 25th Anniversary, the UN reenacted this purpose in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States. International cooperation is also deemed the “[shared goal and common duty of all countries](#),” and a means to achieve the rights enshrined in the International Covenant on Economic, Social and Cultural Rights (arts. 11, 15, 22-23). The ILC, a UN body charged with progressively developing and codifying international law, delved into the fundamental value of solidarity and cooperation in the prevention, relief, and recovery of disasters that include serious epidemic diseases. The resulting [Draft Articles on the Protection of Persons in the Event of Disasters](#) set out a series of substantive and procedural obligations for States to cooperate among themselves, as well as with the UN and other assisting actors. This work has been recommended to the UN General Assembly [for consideration of elaborating a convention](#) at the Assembly’s 75th session in September 2020. A hard-earned opportunity like this is grounded on the long history of pursuing “[a universal vision on disaster law](#).” The Assembly previously adopted the Resolutions [46/182](#) (Annex, para. 5) and [57/213](#) (para. 4), giving tangible meaning to the notions of solidarity and cooperation in reducing losses of lives caused by disasters and the surrounding social, economic, and environmental damages as well as upholding equity and social justice in coping with global challenges.

Past encounters with global crises have shown the orientation of the international community towards implementing cooperative and unified measures. For example, the UN Charter, which was adopted to save future generations from the 'scourge of war,' emphasizes the importance of unity and good neighborliness in order to achieve international peace and security. The universal ratification of the Geneva Conventions of 1949 applicable during armed conflicts is also a reminder of the virtues of countries uniting to mitigate human suffering. As the UN Secretary-General emphasized, "The concept of international solidarity so often evoked following major emergencies and understood as a feeling of responsibility towards people in distress equally has its roots in the ethical principles of the Charter." ([A/45/587](#), para. 5) There were also [shared/reciprocal interests](#) among States in history to not litigate disease notification issues or irrational trade and travel measures. Especially in the case of this global pandemic that respects no boundaries, in order to save lives, international solidarity and cooperation must come into play. This is why the UN General Assembly [adopted](#) a resolution that urged the UN and the WHO to play the central role in coordinating and catalyzing the global response ([A/74/L.52](#)). Jutta Brunnée has recently [criticized](#) the relative silence of the UN and called on the Security Council to take real action to protect vulnerable persons in conflict zones. Obiora C. Okafor, the current Independent Expert on Human Rights and International Solidarity, [urged](#) States to recognize the right to international solidarity as a human right and their primary duty to realize this right by adopting the [Draft UN Declaration on Human Rights and International Solidarity](#). The world needs coordination, unity, and solidarity to stop the virus since it "[cannot be stopped anywhere unless it is tackled everywhere](#)."

COVID-19 has forced many individuals around the globe to practice physical distancing in an effort to ensure that not only themselves but also others would be safe and healthy. The pandemic has reminded each person of how important their individual actions are to maintain the collective well-being of society. Similarly, States have been isolating themselves so as to curb the spread of the virus and to save the lives of their own citizens. As States have adopted emergency measures that allow them to play the primary role in coordinating domestic relief activities, we note that physical isolation does not necessarily have to be mutually exclusive with solidarity. Accordingly, populism and racism cannot be allowed to triumph amidst the insecurity caused by the coronavirus. Rather, we encourage the search for shared value systems that transcend geographic, cultural, and political heterogeneity. International law can be a helpful place for States to find such common ground. As we have demonstrated, the notion of solidarity undergirds our international legal order. It can translate to a legal obligation on States to cooperate with one another and act as a pragmatic and productive tool in pandemic times.

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